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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

WILLIAM S. AHOLELEI,	)	CASE NO. 03-00171 HG-KSC
	)	
Plaintiff,	)	DEFENDANT KAY BAUMAN,
	)	M.D.'S CONCISE STATEMENT OF
vs.	)	FACTS IN REPLY TO PLAINTIFF'S
	)	OPPOSITION; AFFIDAVIT OF KAY
BARBARA KYSAR, DOCTOR S.	)	BAUMAN, M.D.; EXHIBIT "AA";
PADERES, DOCTOR BAUMAN,	)	CERTIFICATE OF SERVICE
DOES I-V,	)	
	)	Trial Date: December 5, 2006
Defendants.	)	
	)	

306-072/p.Reply Concise Statement.al.wpd

DEFENDANT KAY BAUMAN, M.D.'S  
CONCISE STATEMENT OF FACTS  
IN REPLY TO PLAINTIFF'S OPPOSITION

Pursuant to Local Rule 56.1, Defendant Kay Bauman (“Bauman”) hereby submits a separate and concise statement of material facts not in dispute in reply to Plaintiff’s Opposition to Bauman’s Motion for Summary Judgment and in response to the Court’s order of August 23, 2006 that the Defendant address Plaintiff’s allegations of continuing violations relating to the alleged delay or denial of adequate medical care for Plaintiff’s kidney condition from the date of filing of the complaint until the present. Support for each fact is provided in the Evidentiary Support column.

<u>Facts</u>	<u>Evidentiary Support</u>
On October 3, 2003 Plaintiff was injured in an altercation with another inmate and was hospitalized at the Queen’s Medical Center . Thereafter, he was hospitalized in the infirmary until December 3, 2003. While in the infirmary he reported kidney related pain on two occasions which was alleviated with Motrin 800 mg for pain. Plaintiff had no further complaints of kidney pain while in the infirmary.	Bauman Affidavit; Exhibit “AA” p. 964; 851-885
Following discharge from the infirmary, Plaintiff was treated for retinopathy and received psychiatric counseling.	Bauman Affidavit

<p>On January 13, 2004 Plaintiff was seen in clinic with complaints of back pain, migraine pain and was requesting a snack due to his weight loss but he did not make any complaint of kidney related pain. On February 13, 2004 he was seen in clinic but did not complain of kidney symptoms. He was still taking Allopurinol 300 mg for kidney stones. On March 4, 2004 he reported to sick call for breathing difficulties and anxiety but did not complain of kidney related pain.</p>	<p>Bauman Affidavit; Exhibit "AA" pp. 843, 846-47.</p>
<p>On June 29, 2004 a CT scan was performed and revealed a nonobstructive 6 mm stone in the right lower kidney. On June 30, the Medical Unit received a fax from Dr. Kuchenbecker canceling Plaintiff's July 9, 2004 appointment, stating that it was unnecessary for patient to be seen at this time.</p>	<p>Bauman Affidavit; Exhibit "AA" p. 97 and AA2.</p>

<p>On July 23, 2004 a urology consult was obtained from Dr. Kuchenbecker who advised that the right kidney stone would not account for the left sided pain but an ESL of the right could be considered although the patient was asymptomatic. On December 3, 2004 a Chronic Care Visit of Plaintiff was conducted. Plaintiff reported kidney pain which he treated with Motrin. A urinalysis was conducted January 6, 2005 was negative for blood. On February 10, 2005 another urinalysis was performed which was also negative for blood.</p>	<p>Bauman Affidavit; Exhibit "AA" pp. AA1-AA12.</p>
<p>On April 1, 2005 Dr. Bauman ordered an ultrasound of Plaintiff's kidneys as routine follow up. On April 8, 2005 a renal ultrasound was performed which revealed an approximate 9 mm calculus in the lower pole of the right kidney with no evidence of significant hydronephrosis.</p>	<p>Bauman Affidavit; Exhibit "AA" pp.13-AA14, and p. 29.</p>
<p>On July 22, 2005 SURP approved an ESL for the right kidney stone</p>	<p>Bauman Affidavit</p>

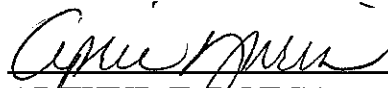
<p>On July 26, 2005 an appointment was scheduled with Dr. Kuchenbecker for August 19, 2005. However, a letter from Dr. Kuchenbecker was subsequently received by DPS indicating that Dr. Kuchenbecker would no longer be seeing Halawa Patients. Dr. Kuchenbecker advised DPS that a comparison of the April 8, 2005 CT scan with the scan performed the following year demonstrated a slight increase in the size of the stone. He recommended a KUB to determine the composition of the stone and, if it contained calcium, consider EWSL.</p>	<p>Bauman Affidavit; Exhibit "AA" at p. 8.</p>
<p>On August 12, 2005 Plaintiff reported to sick call with complaints of right flank pain for 2-3 days and left knee pain. He was voiding without difficulty. He was provided with Motrin. A KUB was obtained at St. Francis West on August 17, 2005 and an appointment was made for Plaintiff to see a urologist at Queen Emma Clinic on September 12, 2005.</p>	<p>Bauman Affidavit; Exhibit "AA" p. 994 and 992</p>

<p>A urology consult at Queen Emma Clinic on September 12, 2005 was conducted by Dr. David Chou. Plaintiff was seen again by Dr. Chou on October 24, 2005 and recommended an extracorporeal shock wave lithotripsy on the right renal stones which was performed on December 9, 2005. Plaintiff was seen on December 12, 2005 at Queen Emma Clinic urology in follow up and was prescribed Percocet then Vicodin.</p>	<p>Bauman Affidavit; Exhibit "AA" at pp. 15</p>
<p>On December 27, 2005 a CT scan was performed and demonstrated slight interval growth in one of the multiple stone in the right kidney. Multiple calculi present in upper and lower pole calices were no longer present and an obstructing left ureteral calculus had also resolved as had the previous hydronephrosis.</p>	<p>Bauman Affidavit; Exhibit "AA" p. 1008</p>
<p>On January 9, 2006 Plaintiff was examined by Dr. Chou who recommended Plaintiff re-start Flomax and follow up in 4-6 weeks.</p>	<p>Bauman Affidavit; Exhibit "AA" p. 1007</p>

On February 23, 2006 a follow up urology consultation was conducted at Queen Emma Clinic. Plaintiff complained of a persistent weak stream and straining despite Flomax. Dr. Chou prescribed doxazocin and pyridium. A cystoscopy scheduled for April 3, 2006 was rescheduled for May 25, 2006. The cystoscopy was within normal limits and no surgical intervention was deemed necessary. Doxazocin and pyridium were continued. Since the cystoscopy, Plaintiff has not reported further kidney related symptoms.

Bauman Affidavit; Exhibit "AA" p. 1005 and AA 16

DATED: Honolulu, Hawaii, AUG 29 2006.



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